

CHAPTER NO. 92**HOUSE BILL NO. 3558****By Representative McKee****Substituted for: Senate Bill No. 3467****By Senator Miller**

AN ACT to amend Chapter 455 of the Private Acts of 1953; as amended by Chapter 273 of the Private Acts of 1957, Chapter 105 of the Private Acts of 1959, Chapter 390 of the Private Acts of 1967, Chapter 983 of the Private Acts of 1971, Chapter 260 of the Private Acts of 1976, Chapter 121 of the Private Acts of 1986, Chapter 56 of the Private Acts of 1987, Chapter 213 of the Private Acts of 1990, Chapter 79 of the Private Acts of 1991, Chapter 215 of the Private Acts of 1992, Chapter 180 of the Private Acts of 1994, Chapter 6 of the Private Acts of 1995, Chapter 25 of the Private Acts of 1997, Chapter 164 of the Private Acts of 1998, Chapter 83 of the Private Acts of 2000, Chapter 16 of the Private Acts of 2001, Chapters 95 and 114 of the Private Acts of 2002, and any other acts amendatory thereto, relative to the Charter of the City of Athens.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 455 of the Private Acts of 1953, as amended by Chapter 213 of the Private Acts of 1990, and any other acts amendatory thereto, is amended in Article V, Section 16, by deleting the last sentence and substituting instead the following language:

The City Council shall cause to be published annually a notice to the general public that an audit opinion has been received and copies are available for review in the Department of Finance. This notice shall be published within 30 days of the deadline for filing such reports with the State Comptroller's office.

SECTION 2. Chapter 455 of the Private Acts of 1953, and any other acts amendatory thereto, is amended in Article VI, Section 5, by deleting the section in its entirety.

SECTION 3. Chapter 455 of the Private Acts of 1953, as amended by Chapter 215 of the Private Acts of 1992, and any other acts amendatory thereto, is amended in Article VIII, Section 2, by deleting the final sentence and substituting instead the following language:

All officers, agents and employees, except the city judge, city attorney or attorneys, and members of and employees under the supervision of the Board of Education and Utilities Board, shall be appointed by the City Manager and removed by him at any time.

SECTION 4. Chapter 455 of the Private Acts of 1953, as amended by Chapter 260 of the Private Acts of 1976, Chapter 213 of the Private Acts of 1990, Chapter 215 of the Private Acts of 1992, Chapter 83 of the Private Acts of 2000, and any other acts amendatory thereto, is amended in Article IX, Section 2, by deleting subsections (b) and (c) in their entirety and substituting instead the following language:

(b) Appointment and removal of officers and employees: Except as in this charter provided, to appoint and remove all heads of departments and all subordinate officers and employees, all appointments are to be made on the applicant's qualifications for the job without regard to race, color, religion, gender, national origin, political affiliation, marital status, disability or because the applicant is forty (40) or more years of age; provided, however, that all such present officers and employees shall continue to serve until removed and/or their successors are so appointed.

(c) To supervise and control the work of all officers and employees, except the city judge and members of the Board of Education, and to so supervise and control the work of all departments and divisions other than the Department of Education, the City Attorney or Attorneys, City Judge, and the Athens Utilities Board, created by this Charter or which hereafter may be created by the City Council.

SECTION 5. Article X, Section 1, of Chapter 455 of the Private Acts of 1953, and any other acts amendatory thereto, is amended by deleting the section in its entirety and substituting instead the following:

Section 1. BE IT FURTHER ENACTED, that the City Council shall employ or contract a City Attorney or Attorneys, prescribe his duties and fix his compensation or fee.

SECTION 6. Chapter 455 of the Private Acts of 1953, and all other acts amendatory thereto, is amended in Article XVII, Section 1, Subsection (g), by deleting the sentence which begins and ends, "Such estimates shall be published not less than three days before transmission for inspection by the public" and substituting instead the following:

Such estimates shall be on file in the office of the City Manager for inspection by the public.

SECTION 7. Chapter 455 of the Private Acts of 1953, and all other acts amendatory thereto, is amended in Article XVII, Section 2, by deleting the section in its entirety and substituting instead the following:

Section 2. BE IT FURTHER ENACTED, that at the end of each year, all unencumbered balances or appropriations in the treasury shall revert to the ending fund balance in each corresponding fund and be subject to further appropriations unless specifically carried forward to the following year.

SECTION 8. Chapter 455 of the Private Acts of 1953, and all other acts amendatory thereto, is amended in Article XVIII, Section 1, by adding the following language as new, appropriately designated subdivisions:

- (7) Department of Human Resources;
- (8) Department of Parks and Recreation;
- (9) Department of Community Development.

SECTION 9. Chapter 455 of the Private Acts of 1953, and any other acts amendatory thereto, is amended in Article XX, Section 11, by deleting the first sentence in its entirety and substituting instead the following:

BE IT FURTHER ENACTED, that whenever the Board of Education shall deem advisable the construction of new school buildings, the renovation of existing buildings, or the purchase of real estate for school purposes, it shall present to the City Council the plans for said buildings and/or a description of said real estate, together with the estimated cost of the same.

SECTION 10. Chapter 455 of the Private Acts of 1953, as amended by Chapter 273 of the Private Acts of 1957, and any other acts amendatory thereto, is amended in Article XXI, Section 7, Subsection (h), by deleting the subsection in its entirety and substituting instead the following:

(h) The authority given the City of Athens to issue bonds or notes may be exercised for the benefit of the system or a part thereof in accordance with the provisions of this charter or in accordance with other statutory authority. However, no bonds or notes payable out of the revenues of the system or a part thereof shall be issued without the consent and approval of the board, which consent and approval may be given by a resolution or resolutions of the board which may be adopted at the same meeting at which introduced and shall take effect immediately upon adoption. Where such bonds or notes are payable only out of the revenues of the system or a part thereof and are not general obligation bonds or general obligation notes of the city, the City Council and the board shall have full authority to provide for the issuance of such bonds or notes, without submitting to electors or taxpayers the question of issuing such bonds or notes, or the ordinance or resolution authorizing the same. Bonds authorized by this subsection may be made callable.

SECTION 11. Article XXI, Section 8, of Chapter 455 of the Private Acts of 1953, as amended by Chapter 273 of the Private Acts of 1957, and any other acts amendatory thereto, is amended in Subsection (c) by deleting the words "City Recorder's office" and substituting instead the words "City Manager's office" and is further amended in Subsection (e) by deleting the last sentence of the first paragraph in its entirety and substituting instead the following: Payments to the city in accordance with the provisions of this paragraph shall be made in equal monthly payments or in any manner mutually agreed upon by the governing bodies.

SECTION 12. Chapter 455 of the Private Acts of 1953, as amended by Chapter 390 of the Private Acts of 1967, and any other acts amendatory thereto, is amended in Article XXII, Section 1, by deleting the section in its entirety and substituting instead the following:

Section 1. BE IT FURTHER ENACTED, that the City Council shall appoint a City Judge who shall be an attorney at law entitled to practice in the courts of the state and who shall serve at the will of the City Council. The City Judge shall have jurisdiction in and over all cases arising under the laws and ordinances of the City. The compensation of the City Judge shall be fixed by the City Council. In the event the City Judge shall be absent or unable to attend any session of City Court, he is empowered to designate a qualified person to hold session of the Court in his stead; provided, however, that the person so designated shall not be a member of the City Council.

SECTION 13. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the City Council of the City of Athens within sixty (60) days of its signing by the Governor

of the State. Its approval or nonapproval shall be proclaimed by the Mayor of the City of Athens and certified to the Secretary of State.

SECTION 14. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 13.

PASSED: March 11, 2004



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 25th day of March 2004



PHIL BREDESEN, GOVERNOR